

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

TIMOTHY DOYLE YOUNG,

Plaintiff,

v.

CASE NO. 17-3175-SAC

SARA REVELL, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed by a prisoner in federal custody. Plaintiff is subject to the "three-strikes" provision of 28 U.S.C. § 1915(g). *See In re Timothy Doyle Young*, 382 Fed.Appx. 148, 2010 WL 2178514 (3d Cir. June 1, 2010) and *Young v. United States*, 2014 WL 2515586 (S.D. Ohio, June 4, 2014) (listing strikes). Under that provision, a prisoner with three qualifying dismissals may not proceed in forma pauperis unless the Court finds that he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

On October 13, 2017, the Court denied leave to proceed in forma pauperis and granted plaintiff to and including November 13, 2017, to submit the filing fee. Plaintiff has not paid the fee as directed. However, on October 30, 2017, he submitted 55 pages of material that the Court construes as exhibits to the complaint. These materials include grievance forms and responses from September and October 2017, many concerning plaintiff's access to health care. Briefly summarized, plaintiff appears to allege that he has not received adequate medical care for certain chronic conditions. However, the responses to plaintiff's grievances reflect that he has received

regular evaluation through the facility's Chronic Care Clinic, most recently in early September 2017. See Doc. #3, pp. 4, 7, and 13. Other materials include disciplinary materials from an April 2012 incident, a November 2016 request under the Freedom of Information Act (FOIA) for disciplinary records, a May 2008 request for mailing supplies, and an April 2017 FOIA request for a certified account statement.

While the relevant materials submitted by the plaintiff show that he has serious health conditions, they also reflect that he is regularly examined by a physician. The Court finds the plaintiff is receiving ongoing health care to address his health conditions and concludes he has not shown that he is subject to "imminent danger of serious physical injury." Therefore, he is not entitled to proceed in forma pauperis, and this matter must be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice due to plaintiff's failure to submit the filing fee as directed.

IT IS SO ORDERED.

DATED: This 17th day of November, 2017, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge